

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CRIMINAL ACTION

v. :

KENNETH MITAN : NO. 08-760-01

ORDER

AND NOW, this 28th day of July, 2009, for the reasons stated in the foregoing

Memorandum, it is hereby ORDERED as follows:

1. Defendant's Motion for Severance (Doc. No. 146) and Amended Motion for Improper Joinder and for Severance (Doc. No. 205) are GRANTED as to improper joinder, and Count VII, charging perjury, shall be severed from the other Counts in the Superseding Indictment for purposes of trial.

2. The trial on the perjury count will be scheduled following the completion of the trial on the other charges, now scheduled for October 5, 2009.

3. Because Kenneth Mitan has requested appointment of counsel on the perjury charge, the Deputy Clerk shall forward to Mitan the standard petition for securing court-appointed counsel, following which, if it is completed and granted, the Court intends to appoint Ann Flannery, Esquire, currently stand-by counsel for Kenneth Mitan on the fraud charges, as trial counsel on the perjury charge.

4. Defendant's Conditional Motion for Bench Trial on Perjury Count (Doc. No. 208) shall be DENIED without prejudice but may be renewed following the first trial.

BY THE COURT:

/s Michael M. Baylson

Michael M. Baylson, U.S.D.J.

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